

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MARCUS O. ALLEN,

Plaintiff,

v.

CHRISTOPHER A. WRAY,
Director, Federal Bureau of Investigation,

Defendant.

Case No. 0:22-cv-04536-MGL

STATUS REPORT: NOTICE OF REVOCATION

Plaintiff Marcus Allen brought this action challenging the temporary suspension of his top-secret security clearance by the Federal Bureau of Investigation (“FBI”) pending a determination whether that clearance should be finally revoked. Defendant moved to dismiss, with briefing now completed. Among other grounds for dismissal, Defendant argued that this case is not ripe because the FBI had yet to issue a final decision regarding Mr. Allen’s clearance.

The FBI has now completed its investigation and reached a decision to revoke Mr. Allen’s clearance. Ex. 1, Revocation Letter (May 3, 2023).¹ The revocation permits Mr. Allen to request any documents upon which the revocation decision is based and to seek reconsideration within 30 days of his receipt of the letter. (Undersigned counsel is not at this point aware of whether Mr. Allen received a copy of the letter prior to this filing.) In light of this development, Defendant intends to confer with Plaintiff about how to proceed with this case and to promptly submit a proposal to the Court.

¹ The FBI’s Revocation Letter is dated May 3, 2023. Undersigned counsel for the Department of Justice was not informed that a final decision had been reached, or that the Revocation Letter had been issued, until yesterday, May 18, 2023.

Dated: May 19, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ADAIR FORD BOROUGHS
United States Attorney

CHRISTOPHER R. HALL
Assistant Branch Director

/s/ Johnny Walker
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Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this date, May 19, 2023, I caused a true and correct copy of Defendant's status report to be served on counsel of record by delivering it electronically through the Court's electronic filing system.

/s/ Johnny Walker

Trial Attorney

U.S. Department of Justice

Counsel for Defendant